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SUBJECT: 12TH AUSTRALIA-CHINA HR DIALOGUE: SOME PROGRESS,
DESPITE SETBACKS

Classified By: Political Counselor James F. Cole. Reasons: 1.4 (b)(d).

SUMMARY

1. (C) Australia saw some incremental progress in its latest Australia-China Human Rights Dialogue, particularly in China's agreement to admit more NGOs into meetings, including for the first time Amnesty International and the International Commission of Jurists; in the range of topics it was prepared to address (except for Tibet); and in a greater willingness to engage in real dialogue. On the negative side, the Chinese took a hard line on Tibet, resisting engaging with the GOA and refusing to allow participation of an Australian-Tibetan NGO. End summary.

2. (U) Steve Waters, Assistant Secretary for East Asia, Department of Foreign Affairs and Trade (DFAT), gave us a belated readout of the 12th Australia-China Human Rights Dialogue, which took place in Canberra on February 10, 2009. The Chinese delegation was led by Vice Foreign Minister Liu Jieyi. Gillian Bird, DFAT Deputy Secretary, headed the Australian delegation, which included Waters.

3. (C) Unlike previous dialogues, in which the proposed agenda was subject to extensive pre-negotiation, sometimes lasting up to the start of the meeting, Waters said, the Chinese settled relatively quickly on the agenda for this round, opting to keep the agenda items broadly worded. Beijing insisted, however, that Tibet not appear as a printed agenda, the only issue of protracted pre-negotiation.

MORE NGO PARTICIPATION

14. (C) Two notable positive improvements in 12th Dialogue involved broader NGO participation. Waters explained that the usual format consisted of a government-to-government meeting, followed by a formal meeting of delegations with a small number of selected NGOs, and a reception that included the delegations and a larger group of NGOs. He noted that, while the Chinese had limited to six the number of NGOs in the previous formal government-plus-NGO meeting, they agreed to allow up to 11 NGOs to attend the most recent meeting. Moreover, they did not object to raising the number of NGOs at the reception to 17, up from 11 previously. Most remarkably, Waters pointed out, China agreed for the first time to allow both Amnesty International and the International Commission of Jurists to participate in the QInternational Commission of Jurists to participate in the formal meeting. In a setback, however, the Chinese vetoed participation by representatives of the Australian-Tibetan Association, which had joined the meetings in previous years. Waters added that NGOs participated only in Dialogue meetings held in Canberra; China did not adopt a parallel practice when meetings were held in Beijing in alternate years.

BROAD AGENDA

15. (C) The Australians raised concerns that included: the death sentence/executions (officially opposed by Australia);

CANBERRA 00000231 002 OF 003

organ harvesting; torture; forced re-education; freedom of speech; freedom of the press; freedom of religion; rights of women and minorities; forced labor; Falun Gong; Tibet; Uighurs; international human rights agreements; and treatment of human rights advocates. On their side, the Chinese sought answers from the Australians on such concerns as: the judicial mishandling of the case of Mohammed Haneef (an Indian-born physician accused of aiding terrorism against whom charges were later dropped); treatment of migrants; conditions at Christmas island detention center; treatment of indigenous Australians, including abrogation of rights in the GOA's Northern Territory intervention; and media freedom (specifically, GOA attempts to block pornography on the internet.) Waters acknowledged that the agenda was far too long, resulting in curtailed treatment of some topics, particularly as the conference was wrapping up.

TIBET AND FALUN GONG

16. (C) On Tibet, however, Liu resisted discussion, insisting it was not a human rights issue. He also pushed back on the death penalty, pointing out that a majority of the Chinese public supported it, and contending that the numbers of executions had been decreasing. Liu became more animated during the discussion of the Falun Gong, stressing it was not a religion but a cult, and the state had a duty to protect people (referring to refusal of medical care by some Falun Gong adherents). The Chinese delegation complained about four court cases filed by the Falun Gong in Australian courts, charging the Australian government was responsible for advising the court that Chinese officials had immunity in such instances. The Australian side disputed this, urging the PRC to engage private legal representation to assert immunity directly with the courts. (Note: An Australian lower court recently handed down its first ruling among the four cases, dismissing a case filed against former President Jiang Zemin, but an appeal remains possible. End note)

PERSONS OF CONCERN

17. (SBU) The GOA handed over a list of 29 persons of concern to the Chinese government in advance of the government-only meeting, Waters noted, adding the GOA had not yet received a response from the PRC.

Qresponse from the PRC.

ATMOSPHERICS

18. (C/NF) Waters assessed the 12th Human Rights Dialogue to have achieved incremental gains, despite a few setbacks. He observed the Chinese seemed more willing than previously to have a real dialogue, and exhibited an increased level of comfort and confidence in calling on the Australian government to account for perceived domestic human rights issues. In another positive development, Waters observed, the Chinese refrained from their usual filibustering tactics on some topics, and made an effort to respond to most questions. At the same time, the Australian delegation perceived a palpable desire on the part of the Chinese for international acceptance of how they treat their citizens, a

CANBERRA 00000231 003 OF 003

possible point of diplomatic leverage.

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